

FAX RECEIVED NOV 2 0 2002 GROUP 1600

675 Almanor Avenue Sunnyvale, CA 94086 Telephone: (408) 524-8100

Telephone: (408) 524-8100 Fax: (408) 524-8145	

### **FACSIMILE TRANSMISSION COVER**

DATE:	November 19, 2002	
TO:	Examiner Souaya	
COMPANY:	United States Patent and Trademark Office	
TELEPHONE NO.: _	(703) 308-6565	
FAX NO.:	(703) 305-3014	
FROM:	Luisa Bigomia	_
RE:	USSN: 09/774,434	
TOTAL PAGES (including cover sheet):	6	

#### COMMENTS:

Dear Examiner Souaya,

This response is timely and no extension of time is needed. If you have any questions, or need any additional information, please contact my assistant, Raquel Torres, at (408) 746-4561.

Regards, Luisa Bigornia

Confidentiality Note: The information contained in this facsimile message is legally privileged and confidential information that is intended only for the use of the individuals or entity listed above. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or reproduction of this message is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and return the original message to us at the address listed above via U.S. Postal Service. Thank you.

Attorney Docket No. 21272-029CIP2G Hyseq Docket No. 787CIP2G

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tang, et al.

Serial No:

09/774,434

Filed:

January 30, 2001

For:

NOVEL NUCLEIC ACIDS AND

POLYPEPTIDES

CERTIFICATE OF FACSIMILE UNDER 37 CFR 1.6(d)

I hereby certify that this paper is being transmitted to the United States Patent and Trademark Office by facsimile and addressed to the Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

Date of Facsmilie Transmission: November 19, 2002

Type or Print Name of Person Faxing: Chiaoyun Kuo

Signature of Person

## TRANSMITTAL LETTER

U.S. Patent and Trademark Office P.O. Box 2327 Arlington, VA 22202

Dear Sir:

Enclosed are the following items for filing in the above-referenced U.S. Patent

## Application:

1. Applicants' Amendment and Response to a Restriction Requirement dated 10/22/2002.

The Commissioner is hereby authorized to charge payment of any fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 501169. A duplicate copy of this sheet is enclosed.

Please refund any overpayment to Hyseq, Inc. at the address below.

\_

Respectfully submitted,

Date: November 19, 2002

Luisa Bigornia

Attorney for Applicants

Registration No.: 45,974

HYSEQ, INC.

670 Almanor Avenue

Sunnyvale, CA 94085

(408) 524-8100

(408) 524-8145 (Telefacsimile)

Attorney Docket No. 21272-029CIP2G Hyseq Docket No. 787CIP2G

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

15/B

Applicant(s):

Tang, et al.

Serial No:

09/774,434

Filed:

January 30, 2001

For:

NOVEL NUCLEIC ACIDS AND

POLYPEPTIDES

CERTIFICATE OF FACSIMILE UNDER 37 CFR 1.6(d)

I hereby certify that this paper is being transmitted to the United States Patent and Trademark Office by facsimile and addressed to the Assistant Commissioner for Parents, P.O. Box 2327, Arlington, VA 22202.

Date of Facsmille Transmission: November 19, 2002

Type or Print Name of Person Faxing: Chiaoyun Kuo

Signature of Person Kung

## RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

U.S. Patent and Trademark Office P.O. Box 2327 Arlington, VA 22202

Dear Examiner Souaya:

#### RESTRICTION REQUIREMENT

In response to the October 22, 2002 Restriction Requirement in the above-identified application, Applicants elect with traverse Group I, claims 1-8 and 21, drawn to a polynucleotide, vectors, and host cells. Applicants make this election without prejudice to pursuing non-elected subject matter in later applications.

The response to the Restriction Requirement is due on or before November 22, 2002. Therefore, no extension of time is needed. However, the Commissioner is hereby authorized to charge the requisite fees that may be due, or credit any overpayment of same, to Deposit Account No. 501169.

#### PRELIMINARY AMENDMENT

Prior to substantive examination, please amend the application as follows:

## IN THE CLAIMS

Claims 22-25 were cancelled.

#### REMARKS

Upon entry of the foregoing amendments, claims 1-8 and 21 are under consideration.

Applicants respectfully submit that the pending claims are in a condition for allowance. Applicants make this amendment for the sole purpose of expediting prosecution and for clarity, and not in response to any ground or reason for patentability in response to an action in this or related cases. An early action on the merits is respectfully requested. The undersigned can be reached at 408-746-4536 if the Examiner wishes to discuss the response.

Respectfully submitted,

Date: November 19, 2002

Luisa Bigomia

Attorney for Applicants

Registration No.: 45,974

HYSEQ, INC.

670 Almanor Avenue

Sunnyvale, CA 94085

(408) 524-8100

(408) 524-8145 (Telefacsimile)

Version With Markings to Show Changes

# IN THE CLAIMS:

Claims 22-25 were cancelled.